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	<p align="center">Effective Date: 1-February-2006</p>
<p align="center">20 EVIDENCE HANDLING</p> <p>20.1 Policies</p> <p>20.1.1 The Department will ensure the integrity of the evidence submitted to it by prescribing rules for receiving, handling, storing and returning evidence, and by documenting the chain of custody to provide for the generation of legally admissible chain of custody records. All evidence receipts, (internal) transfers and returns will be documented both in writing and in FACE. The written record constitutes the official chain of custody record.</p> <p>20.1.2 It is the policy of the Department to refuse to conduct a re-examination of evidence that has been previously examined in a non-Department laboratory. This does not apply to the conduct of a different type of analysis than that originally performed on the evidence. Any exceptions to this policy must be approved by the Department Director or his/her designee.</p> <p>20.1.3 The Department will not permit any actions in its laboratories that may lead to compromise of the integrity of evidence, to a breach of confidentiality or safety, or to disruption of the efficiency of laboratory operations. Therefore, it is the policy of the Department that, with the exception of persons being trained by the Department, non-Department personnel are not permitted to observe the performance of examinations of evidence. Any exception to this policy must be approved by the Laboratory Director or his/her designee.</p> <p>20.2 Evidence Receipt</p> <p>20.2.1 Evidence will normally be received in a laboratory's Evidence Receiving area by hand to hand transfer from a submitting officer to a Forensic Evidence Specialist. Evidence may similarly be received, as necessary, by appropriately trained personnel.</p> <p>20.2.2 Evidence may also be received from a submitting agency through a carrier service, e.g., United States Postal Service (USPS), Federal Express (FedEx), or United Parcel Service (UPS).</p> <p>20.2.2.1 Personnel receiving evidence in this manner will remove the evidence container(s) from the mailing package and affix their signature, the receipt date, carrier service name, service tracking number, if applicable, and the bar code to the RFLE(s).</p> <p>20.2.2.2 The evidence container(s) will be bar-coded, marked, seals remediated as necessary (§ 20.6.4), and otherwise handled in accordance with the policies outlined in Section 20, "Evidence Handling". In addition, the mailing package will be labeled with the FS Lab # and the initials of the receiving employee; subsequent initialing of the mailing package by other employees is not required.</p> <p>20.2.2.3 When evidence from multiple criminal events is submitted in a single mailing package, the mailing package will be labeled with the corresponding FS Lab #s and the initials of the receiving employee; subsequent initialing of the mailing package by other employees is not required. The FS Lab # for the evidence container with which the mailing package will be maintained and returned will be circled. Photocopies of the mailing package surface(s) bearing the FS Lab #s and receiving employee's initials will subsequently be made. One copy will be attached and returned with the evidence for each included file when the corresponding examination is completed. A second copy will be placed in each case file as administrative documentation. It is not necessary to return the multiple cases in the original mailing package.</p> <p>20.2.2.4 If evidence in the mailing package is not appropriately packaged to allow proper bar-coding and processing, Evidence Specialists will place the evidence in a laboratory-provided evidence container, which will be sealed, initialed and bar-coded.</p> <p>20.2.2.5 Mailing packages are distinguished from evidence containers and convenience packages in that they bear the original carrier service tracking numbers and labels, which document a portion of the chain of</p>	

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<p>custody. Therefore, mailing packages will be marked with the FS Lab #(s), initialed and returned with the evidence to the contributing agency upon completion of the examinations. Mailing packages, however, will not be re-sealed or bar-coded.</p> <p>20.2.3 Personnel transcribing information from an RFLE to FACE will perform the following:</p> <p>20.2.3.1 Determine if the RFLE is properly and legibly completed by the submitting officer. Request officers making hand to hand transfers perform any necessary corrections/clarifications. Telephone officers submitting evidence by mail to discuss any necessary corrections/ clarifications; make same with concurrence of officer.</p> <p>20.2.3.2 Check for previous submissions from the same event or activity; assign evidence to the existing FS Lab # if determined to be a subsequent submission.</p> <p>20.2.3.3 Transcribe the appropriate information from the RFLE into FACE using the following guidelines:</p> <p>20.2.3.3.1 FACE entries, e.g., officer names and agency addresses, must be chosen from the appropriate FACE database if available.</p> <p>20.2.3.3.2 Agency Case #: Make no entry if a number is not supplied.</p> <p>20.2.3.3.3 Victim name: Enter last, first and middle names, and appropriate last name suffix, e.g., Jr., with only first letter in upper case; enter a period after initials or appropriate last name suffixes; make no entry if a name is not supplied.</p> <p>20.2.3.3.4 Suspect name: Enter last, first and middle name, and appropriate last name suffix, e.g., Jr., with only first letter in upper case; enter a period after initials or appropriate last name suffixes; make no entry if a name is not supplied.</p> <p>20.2.3.3.5 Business Name: Enter as normally referenced, e.g., Pizza House, ABC, Inc., Bob and Doug's.</p> <p>20.2.4 Personnel receiving evidence will:</p> <p>20.2.4.1 Determine if the evidence submitted corresponds to the item(s) listed on the RFLE.</p> <p>20.2.4.2 Determine if containers are sealed. Seal or upgrade seal(s) as necessary following Department procedures.</p> <p>20.2.4.3 As necessary, clarify the examination(s) requested.</p> <p>20.2.4.4 Attach the appropriate FACE generated label to each container, as appropriate. If a label cannot be placed on a container, e.g., fire debris containers, write the container number on the container. Mark each container, as appropriate, with the FS Lab #, the initials of the receiving employee and, when possible, the item number(s) of its contents.</p> <p>20.2.4.5 Write the corresponding container number next to each item number on the RFLE.</p> <p>20.2.4.6 Note on the RFLE if the submitting agency is different from the investigating agency.</p> <p>20.2.4.7 Request the submitting officer relinquish evidence custody by legibly printing their name in, and signing and dating, the appropriate submission spaces on the RFLE.</p>	

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<p>20.2.4.8 Write the appropriate FS Lab # in the assigned space on the RFLE and attach a corresponding FACE generated label to the RFLE.</p> <p>20.2.4.9 Accept evidence custody by signing and dating the appropriate receipt spaces on the RFLE.</p> <p>20.2.4.10 Give the submitting officer a copy of the RFLE as a receipt.</p> <p>20.2.4.11 Place a "Biohazard" label on appropriate containers as specified in Section 6.1.2.1 of the DFS Exposure Control Plan (Appendix D of the DFS Safety Manual).</p> <p>20.2.4.12 Place the evidence in storage with appropriate copies of the RFLE attached until it is to be transferred for examination.</p> <p>20.2.5 When FACE is down and temporary FS Lab #s must be used (§ 13.2.7), the following changes will be made in receiving procedures (otherwise proceed as though the FS Lab # is the permanent number):</p> <ul style="list-style-type: none"> • FACE generated labels are unavailable, therefore each container will be marked with the appropriate container number in addition to the other required labeling (§ 20.2.4.4), • FACE itself is not available, therefore neither checks for previous submissions nor entries into FACE may be made, and • when the submitting officer is given a copy of the RFLE, he/she will be told a revised copy with the permanent FS Lab # added to it will be mailed to them once FACE comes back on-line. <p>20.2.6 When FACE comes back on-line:</p> <ul style="list-style-type: none"> • the evidence assigned temporary FS Lab #s will be entered into the system and assigned appropriate permanent FS Lab #s after checks for previous submissions are made, • the new permanent numbers will be recorded and associated with the corresponding temporary numbers in the Evidence Receiving log book, • the new permanent numbers will be written on the corresponding RFLEs, and copies will be mailed to the appropriate submitting officers, and • FACE generated labels will be placed adjacent to the corresponding temporary numbers on the RFLEs and containers. 	
<p>20.3 Evidence Transfer</p>	
<p>20.3.1 Personnel relinquishing evidence shall:</p> <ul style="list-style-type: none"> • sign and date the appropriate relinquishment spaces on the accompanying RFLE or, as necessary, Evidence Transfer form (§ 20.3.3). • ensure at least three legible copies of the corresponding RFLE, and at least two legible copies of any corresponding Evidence Transfer form, accompany the evidence for pending cases. At least two legible copies of the RFLE and one legible copy of any Evidence Transfer form must accompany the evidence for completed cases. <p>20.3.2 Personnel receiving evidence shall sign and date the appropriate receipt spaces on the accompanying RFLE or Evidence Transfer form.</p> <p>20.3.3 Evidence Transfer Form (Appendix C-9):</p> <p>20.3.3.1 An Evidence Transfer form will be initiated when:</p> <ul style="list-style-type: none"> • more than one examiner accepts custody of the evidence for a submission, 	

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<div style="margin-left: 100px;"> <ul style="list-style-type: none"> • the RFLE does not contain sufficient spaces to document the chain of custody back to the submitter, or • evidence is transferred between laboratories. </div> <p>20.3.3.2 Original Evidence Transfer forms will accompany the corresponding evidence when possible.</p> <p>20.3.3.3 Original Evidence Transfer forms must be returned to the originating laboratory for the corresponding submission.</p> <p>20.3.3.4 Completing the Evidence Transfer Form</p> <div style="margin-left: 40px;"> <p>20.3.3.4.1 To the extent possible the blocks will be completed using the abbreviations listed at the bottom of the form.</p> <p>20.3.3.4.2 The “Evidence” block will be used to list, at the very least, the container number(s) and container description(s), and the item number(s) in each container (if known). In the absence of a container, the appropriate item number(s) and item description(s) will be listed. The following formats will be used:</p> <div style="margin-left: 40px;"> <p>20.3.3.4.2.1 List the container number and FACE description, with items in parentheses, e.g., Container 1, sealed cardboard box (items 1-3), Container 2, sealed yellow envelope (items 4-8).</p> <p>20.3.3.4.2.2 When items are transferred without containers, list the item number and description, e.g., Item 4, sealed brown envelope.</p> <p>20.3.3.4.2.3 If clarifying information needs to be added, place the information in the “COMMENTS” section of the form.</p> </div> </div> <p>20.3.4 Primary Examiner</p> <p>Sections marked by an asterisk below may be performed by a Forensic Evidence Specialist. For a file requiring more than one examiner, the designated Primary Examiner will perform the following:</p> <div style="margin-left: 40px;"> <p>20.3.4.1 Coordinate and expedite all examinations as appropriate.</p> <p>20.3.4.2 * Initiate the Evidence Transfer form for all evidence transfers (§ 20.3.3)</p> <p>20.3.4.3 *Transfer the evidence to the other examiners as soon as possible.</p> <p>20.3.4.4 Ensure identical designation of items/sub-items of evidence.</p> <p>20.3.4.5 Ensure identical description of the evidence on each Certificate of Analysis when multiple examinations are performed on the same items/sub-items (§ 13.4)</p> <p>20.3.4.6 *Ensure all evidence, including collected samples, i.e., DNA, hairs, fibers, paints, and glass, are returned at one time to the contributor or to the laboratory that originally received the evidence. Exceptions may be granted by the appropriate Laboratory Director.</p> <p>20.3.4.7 List all submitted, but unexamined, items/sub-items of evidence that are not addressed by other reports in the file, on his/her report.</p> </div>	

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<p>20.3.5 Biohazard Labels</p> <p>A “Biohazard” label must be placed on all “secondary” containers of liquid blood/ body fluid/tissue before transfer between laboratories on the lockbox (Section 6.1.2.2 of the DFS Exposure Control Plan).</p> <p>20.4 Evidence Return</p> <p>20.4.1 Evidence is normally returned by the originating laboratory.</p> <p>20.4.2 All evidence associated with a submission should be returned at the same time to the submitting agency. Similarly, when evidence is transferred to another laboratory, all evidence associated with a submission should be transferred at the same time back to the originating laboratory.</p> <p>20.4.3 It is preferred that evidence be returned directly to the submitting agency. If the submitting agent requires return of evidence via mail and if a single laboratory works the entire case, it will return the evidence even if the evidence did not originate in that laboratory.</p> <p>20.4.4 Original RFLEs shall be returned to the originating laboratory. Original RFLEs should bear the original signatures of the submitting and receiving officer(s) when possible.</p> <p>20.4.5 Personnel returning evidence by hand to hand transfer to an officer will:</p> <ul style="list-style-type: none"> • relinquish evidence custody by signing and dating the appropriate relinquishment spaces on the original RFLE, when available, • request the receiving officer accept evidence custody by signing and dating the appropriate receipt spaces on the RFLE, • give the evidence and a legible copy of the RFLE to the receiving officer, and • retain the original RFLE for the file. <p>20.4.6 Personnel returning evidence by carrier service will:</p> <ul style="list-style-type: none"> • relinquish evidence custody by signing and dating the appropriate relinquishment spaces on the original corresponding RFLE, • note the method of return, service tracking number, and return date on the RFLE, • retain the original RFLE for the file, • place the evidence and a copy of the RFLE in a mailing package, • seal the mailing package, • send the mailing package and contents to the submitting agency, with a request to the carrier service for a delivery receipt, and • ensure placement of the delivery receipt, when received, with the case file. <p>20.4.7 Personnel returning evidence by hand to hand transfer to the Medical Examiner’s Office will:</p> <ul style="list-style-type: none"> • relinquish evidence custody by signing and dating the appropriate relinquishment spaces on the original FACE batch transfer form, • request the receiving individual accept evidence custody by signing and dating the appropriate receipt space on the batch transfer form, • give the evidence and a legible copy of the batch transfer form to the receiving individual, • retain the original batch transfer form, and • place a copy of the FACE batch transfer form, noting the file location of the original, in each file listed on the form. 	

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<p>20.4.8 If a mailing package originally contained evidence that was assigned to multiple files, the evidence with which the package was maintained will be returned in/with the package. Other evidence may be returned in other packages.</p> <p>20.4.9 When received, a delivery receipt from the carrier service will be placed in the appropriate file. If the mailing package contained evidence that was assigned to multiple files, copies of the receipt will be placed in each of the associated files.</p> <p>20.4.10 When evidence is returned by a laboratory other than the originating laboratory, the original RFLE will be used to document relinquishment of evidence custody. The return method will be documented on the original RFLE, and the form will be returned to the originating laboratory.</p>	
<p>20.5 Chain of Custody Practices</p>	
<p>20.5.1 Descriptions of evidence in FACE shall be consistent with the submitting agency's description on the RFLE (Section 13, "Case Files and File Administration").</p> <p>20.5.2 Item descriptions shall be identical in all reports within a single file.</p> <p>20.5.3 All marks placed on containers by submitting agencies should remain visible.</p> <p>20.5.4 Containers will be marked with the item number(s) of their contents when possible.</p> <p>20.5.5 Personnel accepting custody of evidence must place their initials on any containers accepted.</p> <p>20.5.6 Personnel examining/processing items of evidence must place their initials, the FS Lab #, and the item number on each item when possible.</p> <p>20.5.7 Money reported as an item or part of an item on an RFLE, and valued at, or in excess of, \$50 US, will be opened at the time of examination in the presence of a second examiner. Both examiners will count the money; the second examiner will write and initial the word "verified" near that part of the first examiner's notes describing the money. Money not listed on the RFLE but discovered during opening of evidence will be accounted for in the same manner.</p> <p>20.5.8 The primary examiner will list all submitted, but unexamined, items/sub-items of evidence that are not addressed by other reports in the file, on his/her report.</p>	
<p>20.6 Evidence Seals</p>	
<p>20.6.1 All evidence shall be sealed on receipt, while in long term storage, during transfer between laboratories, and for return to the submitting agency.</p> <p>20.6.2 An acceptable seal is one that prevents ready escape of the evidence and will be clearly damaged or altered if broken to permit entry. Acceptable seals include:</p> <ul style="list-style-type: none"> • original manufacturer's closures that meet the definition of "acceptable seal" above, • heat seals, • closures made with tamper-resistant tape, • certain closures made with adhesives, e.g., gummed envelopes, and • any other types of seal that clearly meets the definition above. <p>20.6.3 Personnel sealing evidence must place their initials or mark on, across or under the seal.</p>	

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<p>20.6.4 Personnel receiving unacceptably sealed evidence from submitting officers will upgrade the seal by placing a piece of Department evidence tape perpendicularly across the unacceptable seal and appropriately initialing or marking the tape.</p> <p>20.6.5 Evidence not suitable for sealing will be handled as appropriate for the examination(s) requested.</p> <p>20.6.6 Evidence submitted for Instrument Support need not be sealed if the transfer is hand to hand within a DFS laboratory (§ 20.10.3).</p> <p>20.7 Convenience Packages</p> <p>20.7.1 A convenience package is one used to facilitate storage and/or transfer of sealed containers or items, but is not part of the chain of custody, therefore will not be marked with chain of custody information. A convenience package may also be used to submit unsealed evidence for Instrument Support if the transfer is hand to hand within a DFS laboratory</p> <p>20.7.2 Convenience packages will not be sealed as evidence (§ 20.6), but may be closed using tape/staples.</p> <p>20.7.3 Convenience packages will be labeled or marked with the phrase "Convenience Package". The FS Lab # will be placed on the convenience package.</p> <p>20.7.4 Only sealed containers and/or items will be placed in convenience packages.</p> <p>20.8 Evidence Storage</p> <p>20.8.1 Evidence must be stored in a manner that prevents loss, contamination, and degradation, and that maintains custody of the evidence.</p> <p>20.8.1.1 Short term storage is used for evidence in the process of examination. Evidence in short term storage is maintained in a manner to avoid loss, contamination and/or deleterious change but still allow easy access by the examiner during the examination process. Typically, evidence in short term storage is kept in an examiner's personal custody.</p> <p>20.8.1.2 Long term storage is used for evidence that is pending analysis or waiting for return to the agency, or where the examination process has been temporarily halted/delayed, such as when the examiner goes on vacation, is waiting for additional evidence, or is waiting for instrument support results. Evidence in long term storage must be properly sealed per § 20.6. Limited access administrative storage and personal custody storage are typical areas where evidence in long term storage is secured.</p> <p>20.8.2 Evidence in the custody of examiners should be stored in evidence storage rooms or personal evidence lockers when not actively being examined.</p> <p>20.8.3 Large and/or cumbersome items may be stored in a limited access area, if it is impossible or inconvenient to store them in an evidence storage room or evidence locker.</p> <p>20.8.4 Evidence storage spaces must be maintained in a neat, orderly condition.</p> <p>20.8.5 Access to laboratory and Section evidence rooms/areas is to be limited to designated personnel as defined by the Laboratory Director. Designated personnel are authorized to receive, store, transfer and return evidence.</p> <p>20.8.6 In the event that a Laboratory Director or designee must enter an examiner's evidence locker, a Memorandum for Record (MFR) will be completed summarizing the circumstances under which the evidence locker was entered.</p> <p>20.8.6.1 Distribution of the MFR will be as follows:</p>	

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<div data-bbox="435 296 1284 359"> <ul style="list-style-type: none"> • the original will be maintained by the Laboratory Director or designee, and • a copy will be provided to the examiner. </div> <div data-bbox="313 390 1498 548"> <p>20.8.6.2 If evidence is removed from the locker:</p> <ul style="list-style-type: none"> • the transaction will be recorded on an Evidence Transfer Form, • a copy of the MFR will be attached to the Evidence Transfer Form, and • the FACE administrator will be notified to make the appropriate edits to the electronic chain of custody. </div> <div data-bbox="151 579 545 609"> <p>20.9 Evidence Handling Practices</p> </div> <div data-bbox="217 640 1526 1005"> <p>20.9.1 Evidence must be handled in a manner that prevents loss, contamination and degradation.</p> <p>20.9.2 Evidence must be handled in a manner that maintains its security at all times.</p> <p>20.9.3 Examiners shall make every reasonable effort to maintain representative, unaltered portions of evidence for return to the submitting agency. In some instances, such as in the analyses for accelerants or DNA, the only remaining sample to be returned may be the extracted portion.</p> <p>20.9.4 Evidence shall be replaced in its original container when possible.</p> <p>20.9.5 Evidence shall be returned immediately to the Evidence Receiving Section, or Primary Examiner, as appropriate, after completion of the associated report.</p> </div> <div data-bbox="151 1037 927 1066"> <p>20.10 Evidence Handling Practices for Instrument Support Requests</p> </div> <div data-bbox="217 1098 1547 1919"> <p>20.10.1 An Instrument Support Request form (Appendix C-11) results in an internal report (Appendix A ¶ 1.16).</p> <p>20.10.2 Evidence Transfer to another DFS laboratory</p> <div data-bbox="313 1220 1438 1373"> <p>20.10.2.1 The evidence being transferred will be sealed and labeled (¶¶ 20.3, 20.5 & 20.6).</p> <p>20.10.2.2 The evidence will be transferred and returned using the Evidence Transfer form and in FACE.</p> <p>20.10.2.3 An Instrument Support Request form will accompany the sample.</p> </div> <p>20.10.3 Evidence Transfer within a DFS laboratory</p> <div data-bbox="313 1465 1547 1919"> <p>20.10.3.1 Hand to hand transfer.</p> <div data-bbox="435 1526 1547 1797"> <p>20.10.3.1.1 The evidence will be labeled (¶ 20.5.6).</p> <p>20.10.3.1.2 The samples will be transferred and returned using the Instrument Support Request form. The transfer is not recorded in FACE.</p> <p>20.10.3.1.3 The evidence need only be closed to prevent loss or contamination. The original packaging or a convenience package (¶ 20.7) may be used for transferring the evidence. If the receiving individual does not examine the evidence within a reasonable time, sealing is required based on the definition of long-term storage.</p> </div> <p>20.10.3.2 Transfer via an Evidence Storage Room.</p> <p>20.10.3.2.1 The evidence will be sealed and labeled (¶¶ 20.3, 20.5 and 20.6).</p> </div> </div>	

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<div data-bbox="436 296 1533 354"> <p align="center">20.10.3.2.2 The evidence will be transferred and returned using the Instrument Support Request form or Evidence Transfer form as appropriate. The transfer is not recorded in FACE.</p> </div> <div data-bbox="151 388 776 415"> <p>20.11 Transfer of Submissions to/from Other Agencies</p> </div> <div data-bbox="217 449 1533 1024"> <p>20.11.1 The Department sometimes receives submissions that, all or in part, may be more appropriately tested by other agencies, particularly the Commonwealth's Division of Consolidated Laboratory Services (DCLS). Such evidence will be handled in the same manner as other evidence except as noted below.</p> <p>20.11.2 An employee who identifies evidence that should be transferred to another agency shall notify their supervisor, Section Chief, or Laboratory Director, as necessary.</p> <p>20.11.3 If it is decided, after any necessary discussion with the other testing agency, that the evidence will be transferred to that testing agency, the originating laboratory, as necessary, will be notified of the decision. The originating laboratory will notify the submitting agency of the transfer by preparing and sending a letter, similar to that in Appendix C-10, with a copy to the testing agency and to the file.</p> <p>20.11.4 The evidence will be transferred to an authorized representative of the other testing agency with appropriate custody relinquishment and receipt documentation. The evidence will be accompanied by at least one copy of the RFLE, or Evidence Transfer form, as necessary. The RFLE may be omitted if the evidence is accompanied by a transmittal letter describing the requested examinations.</p> <p>20.11.5 If/when the evidence is transferred back from the other testing agency, it shall also be with appropriate custody relinquishment and receipt documentation.</p> </div> <div data-bbox="151 1058 716 1085"> <p>20.12 Evidence Handling Practices for Toxicology</p> </div> <div data-bbox="217 1119 1533 1572"> <p>20.12.1 Evidence in the process of examination (from initial sampling until completion of exams and release of the CoA) may be maintained in a designated, locked "in-process refrigerator/freezer/location". Access shall be limited to personnel designated by the Laboratory Director. Containers/items shall be secured to prevent loss or contamination. Container/items shall be re-sealed upon case completion and retained in secure storage until transferred out of the Section.</p> <p>20.12.1.1 DUI/DUID vials and blood samples shall be destroyed after completion of the analyses, unless a notice of a motion, a motion, or an order to transmit the remainder of the sample to an independent laboratory is received (§ 18.2-268.7).</p> <p>20.12.2 Evidence custody for the receipt into the Section and placement into administrative storage shall be documented in accordance with ¶ 20.3 and in FACE. Evidence custody for accessioning and sampling of items/sub-items shall be documented on exam work sheets with the FS Lab #, item/sub-item designation, date and analyst's initials. Return of evidence to the Evidence Receiving Section or submitting agency shall be in accordance with ¶¶ 20.3 and 20.4 and in FACE.</p> </div> <div data-bbox="1469 1577 1549 1604"> <p align="right">► End</p> </div>	